

After careful review of the matter, the Court concurs with the recommendation of the Magistrate Judge. Upon receipt of the Court's remand order, the Appeals Council should remand this case to the Administrative Law Judge (ALJ) who should be instructed to evaluate the severity of plaintiff's mental impairment using the technique set out in the regulations at 20 C.F.R. §§ 404.1520a, and 416.920a. The ALJ should also properly formulate plaintiff's residual functional capacity, including functional limitations consistent with plaintiff's mental status. In addition, the ALJ should be instructed to obtain evidence from a vocational expert, if necessary, in order to determine

if plaintiff can perform her past relevant work or if a significant number of other jobs exist in the national economy that plaintiff can perform.

Accordingly,

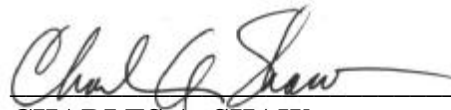
IT IS HEREBY ORDERED that the Report and Recommendation of the United States Magistrate Judge is **sustained, adopted** and **incorporated** herein. [Doc. 14]

IT IS FURTHER ORDERED that Defendant's Motion to Reverse and Remand is **GRANTED**. [Doc. 13]

IT IS FURTHER ORDERED that the decision of the Commissioner denying plaintiff's application for disability income benefits under Titles II and XVI of the Social Security Act, 42 U.S.C. §§ 401, et seq., is **REVERSED**.

IT IS FURTHER ORDERED that pursuant to sentence four of 42 U.S.C. § 405(g), this case is **REMANDED** to the Commissioner for further proceedings consistent with the Report and Recommendation.

An appropriate judgment of remand will accompany this order.



CHARLES A. SHAW
UNITED STATES DISTRICT JUDGE

Dated this 26th day of March, 2009.